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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOHN BROSNAN,  
Plaintiff

v.

DON OBERLE, TIMOTHY JON CARRE,  
JAMES G. SCHWARTZ, JOSHUA D.  
BRYSK, INNOVATIVE MORTGAGE  
SOLUTIONS, MERIDIAN CAPITAL, INC.,  
and DOES 1-100,  
Defendants.

Case No.: C 07-04337 WHA

**DECLARATION OF JOSHUA D. BRYSK  
IN RESPONSE TO COURT ORDER  
DATED MAY 20, 2008**

I, Joshua D. Brysk, declare as follows:

1. I am an attorney at law with the Law Offices of James G. Schwartz, A Professional Corporation, duly licensed to practice before all courts in the State of California and the United States Court for the Northern District of California. I am not the attorney of record for any party herein. I have firsthand knowledge of the matters attested to herein and, if called to testify, I would competently testify as hereinafter set forth.

2. On May 21, 2008, I was informed by the receptionist at my office that Mr. John Brosnan had called and stated that he wished to speak to me concerning papers he received today in a case concerning Don Oberle. I did not speak with Mr. Brosnan.

**DECLARATION OF JOSHUA D. BRYSK IN RESPONSE TO COURT ORDER DATED MAY 20, 2008**

1           3.       I then reviewed the Court records on the PACER system, and discovered that the  
2 Court had made an Order on May 20, 2008 for me to review a letter submitted to the Court by  
3 Mr. Brosnan together with a letter he purports to have received from me. I have not received  
4 service of this Order or any other documents in the matter herein.  
5

6           4.       I note that I had been named as a Defendant in this case, however never received  
7 service of process or service of any other documents in the matter. I am neither making a general  
8 appearance in this matter nor waiving any rights I may have in making this declaration, and it is  
9 made solely at the Court's request.  
10

11           5.       Pursuant to the Court's May 20, 2008 Order, I have reviewed the materials  
12 attached to the Order.

13           6.       I did not write, send, or authorize in any manner the letter attributed to me  
14 (hereinafter referred to as "Letter"). I have never seen the Letter before today.  
15

16           7.       Although my name appears on the Letter, I did not sign it and the mark above my  
17 name is not my signature.

18           8.       The letterhead of the Letter includes Ms. Virginia Ekelund, an attorney who has  
19 not worked at my firm in nearly two years. On April 16, 2008 (the purported date of the letter)  
20 my firm was not in possession of any letterhead bearing Virginia Ekelund's name. However, I  
21 have written to Mr. Brosnan in the past, using the letterhead containing Virginia Ekelund's name  
22 as appears to have been used or copied in producing this letter.  
23

24           9.       Letters from my office typically contain a footer which indicates the location of  
25 the word processing file in my firm's computer system. The Letter contains no such mark.  
26

27           10.       Letters from my office typically contain a notation which indicates (by initials)  
28 the signatory and the person typing the letter. The Letter contains no such mark.

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**DECLARATION OF JOSHUA D. BRYSK IN RESPONSE TO COURT ORDER DATED MAY 20, 2008**

1 11. Letters from my office are typically mailed in envelopes with the return address  
2 pre-printed and with postage from our own postage meter. There is no envelope provided for me  
3 to comment on its authenticity.

4  
5 12. Neither I, nor my firm, are representing Don Oberle in this matter. I have never  
6 indicated to anyone that I would represent Mr. Oberle in this matter.

7 13. I have not previously communicated with the Court in this matter, nor requested  
8 or received a continuance for any hearing in this matter.

9 14. I have not appeared in this matter in any capacity as a party or attorney.

10  
11 15. Until May 21, 2008, I was not even aware that a hearing was set in this matter for  
12 May 1, 2008, and I have never communicated with Mr. Brosnan in any manner concerning any  
13 dates for any hearing in this matter, nor have I ever indicated that I (or my firm) were  
14 representing any party in this matter.

15  
16 16. Mr. Brosnan never contacted my office to confirm receipt of the Letter or inquire  
17 as to the purported continuance of a hearing. Mr. Brosnan never contacted my office concerning  
18 his allegation that the Letter he supposedly believed to be authentic when he received it and  
19 relied on to miss the hearing, he now believes to be a forgery.

20  
21 I declare under penalty of perjury, pursuant to the laws of the State of California that the  
22 foregoing is true and correct of my own knowledge and that if called upon to testify to the same I  
23 could competently do so and that this declaration was executed in Pleasanton, California on the  
24 21<sup>st</sup> day of May, 2008.

25  
26   
27 JOSHUA D. BRYSK

28 F:\Clients\JGS\Brosnan\Decl JDB per Court Order.doc

**DECLARATION OF JOSHUA D. BRYSK IN RESPONSE TO COURT ORDER DATED MAY 20, 2008**